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8 Attorneys for Plaintiffs,
9 Steven Shafran, and Minors Anne M. Shafran,
10 Margaret C. Shafran, Reid J. Shafran, and
11 Isabelle B. Shafran, by and through their
12 Guardian Ad Litem, Jay Shafran

FILED

2008 JAN 22 PM 2:28

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY KMX DEPUTY

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 STEVEN SHAFRAN; ANNE M.
13 SHAFRAN, a minor, by and through
14 her Guardian Ad Litem, JAY
15 SHAFRAN; MARGARET C.
16 SHAFRAN, a minor, by and through
17 her Guardian Ad Litem, JAY
18 SHAFRAN; REID J. SHAFRAN, a
19 minor, by and through his Guardian Ad
20 Litem, JAY SHAFRAN; ISABELLE
21 B. SHAFRAN, a minor, by and
22 through her Guardian Ad Litem, JAY
23 SHAFRAN,

24 Plaintiffs,

25 vs.

26 UNITED STATES OF AMERICA;
27 CESSNA AIRCRAFT COMPANY, a
28 corporation; and DOES 1 through 20,
inclusive,

Defendants.

CASE NO. '08 CV 0116 IEG NLS

**COMPLAINT FOR DAMAGES FOR
WRONGFUL DEATH AND SURVIVAL
ACTION AND DEMAND FOR JURY
TRIAL**

COME NOW PLAINTIFFS, STEVEN SHAFRAN, and ANNE M.
SHAFRAN, MARGARET C. SHAFRAN, REID J. SHAFRAN, ISABELLE B.
SHAFRAN, minors, by and through their Guardian Ad Litem, JAY SHAFRAN, and

ORIGINAL

1 for a cause of action against defendant, UNITED STATES OF AMERICA, complain
2 and allege as follows:

3 **FIRST CAUSE OF ACTION**

4 **(Negligence under F.T.C.A.)**

5 1. This action is brought by virtue and under the provisions of the Federal
6 Tort Claims Act, 28 USC section 1346 (b)(1) in that it is a claim against the
7 United States of America for money damages, for injury, for loss of property, or
8 personal injury or death caused by the negligence or wrongful act or omission of an
9 employee of the United States government while acting within the scope of his or her
10 office or employment under circumstances where the United States, if a private
11 person, would be liable to the claimant in accordance with the law of the place where
12 the act or omission occurred.

13 2. At all times herein mentioned, the negligence or wrongful acts or
14 omissions complained of herein were by and through an employee of the United
15 States of America while acting within the scope of his or her office or employment;
16 and at all times herein mentioned said negligence or wrongful acts or omissions
17 occurred within the state of California or pertain to a certain localizer navigation
18 facility at McClellan-Palomar Airport located in or near Carlsbad, California.

19 3. That venue pursuant to 28 USC section 1402 (b) is proper within the
20 United States District Court, Southern District of California in that the accident
21 occurred within the United States District, Southern District of California.

22 4. That at all times herein mentioned, plaintiffs were and at the time of the
23 commencement of this action are citizens of the United States. Plaintiff Steven
24 Shafran is the surviving spouse of Janet Shafran, deceased; and, Anne M. Shafran,
25 Margaret C. Shafran, Reid J. Shafran, Isabelle B. Shafran, minors, are the surviving
26 children of Janet Shafran, now deceased. Plaintiffs, and each of them, are residing in
27 Washington, D.C.

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1 5. That prior to the filing of this action, Jay Shafran, the grandfather of
2 Anne M. Shafran, Margaret C. Shafran, Reid J. Shafran, and Isabelle B. Shafran,
3 minors, was and has been duly appointed guardian ad litem for said minors by the
4 San Diego County Superior Court, North District, as set forth in Case No. 37-207-
5 00050767-CU-PO-NC, which is presently pending in Department N-31 before
6 The Honorable Lisa Guy-Schall. Jay Shafran is a citizen of the United States and a
7 resident of the state of California.

8 6. That prior to the filing of this action plaintiffs and each of them duly
9 filed claims for damages against defendant United States of America, which claims
10 were denied on 20 November 2007.

11 7. That at all times herein mentioned defendant United States of America
12 by and through its agency, the Federal Aviation Administration, owned, operated,
13 positioned, maintained, controlled, managed, inspected, constructed, or provided
14 warnings concerning air navigation facilities at and around many and various
15 airports within the United States.

16 8. That at all times herein mentioned defendant United States of America
17 by and through its agency the Federal Aviation Administration, owned, operated,
18 positioned, maintained, controlled, managed, inspected, constructed, or failed to
19 warn of hazards of a certain air navigation facility, the localizer antenna and
20 structure and supports for Runway 24 at McClellan-Palomar Airport located in or
21 near Carlsbad, California, the place of the accident described herein.

22 9. That at all times herein mentioned defendant United States of America
23 employed personnel for work on, at or regarding the above-described localizer
24 navigation facility, who at all times herein mentioned were acting within the course
25 and scope of their employment and, at or regarding said facility.

26 10. That at the time of the accident herein described, according to the
27 preliminary report of the National Transportation Safety Board (NTSB), "according
28 to numerous witnesses, the aircraft came across the runway threshold at a speed

1 significantly higher than they had observed with other aircraft of the same or similar
2 model. It reportedly touched down more than 1,500 feet down the runway
3 whereupon the thrust reversers were deployed and then ultimately stowed. The
4 aircraft lifted off the surface near the departure end of the runway, but its landing
5 gear impacted the localizer platform structure, and its left wing tip collided with a
6 platform access ladder attached to the far left side of the platform. The aircraft then
7 traveled approximately 400 feet past that point, whereupon it settled into the terrain,
8 and then impacted much of the external surface of the 150-foot-long commercial
9 self-storage building. Just after coming to rest at the end of the storage building, the
10 aircraft burst into flames and except for the empennage and engines, was almost
11 totally consumed by the ensuing fire.”

12 11. That the runway used by Cessna Citation Airplane bearing FAA
13 registration N86CE at the time of the accident was Runway 24 at McClellan-Palomar
14 Airport. The aircraft impacted the localizer platform and ladder just off of the
15 departure end of this same runway.

16 12. That prior to and at the time of the accident, the localizer platform and
17 ladder were not frangible or on frangible mounts and there was no notice to airman
18 (NOTAM) of this dangerous condition, among others.

19 13. That prior to and at the time of events more particularly described
20 herein defendant United States of America by and through its personnel and
21 employees working for or with the Federal Aviation Administration, so negligently
22 and carelessly owned, operated, positioned, maintained, controlled, managed,
23 inspected, constructed or failed to warn of the hazard of the above-described
24 localizer, its structure, platform and ladder so that on or about the 24th day of January
25 2006 while the above described accident aircraft was being operated near the city or
26 town of Carlsbad, county of San Diego, state of California, said aircraft sustained or

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1 suffered a loss of control in a collision with the localizer platform and ladder causing
2 it to crash and thereby proximately causing the injury, death, and damages
3 hereinafter set forth.

4 14. As a direct and proximate result of conduct of defendant United States
5 of America in the above premises plaintiffs and each of them have been forced to
6 incur expenses for funeral, burial, and memorial of Janet Shafran all in an amount
7 which is not presently known; but which amount plaintiffs pray leave of Court to
8 assert when determined by amending the Complaint.

9 15. As a direct and proximate result of the conduct of defendant United
10 States of America in the above premises plaintiffs and each of them have suffered
11 and shall continue to suffer the loss of earnings, earning capacity, services,
12 contributions, benefits, care, comfort, society, protection, support, and loss of
13 consortium of plaintiffs' decedent Janet Shafran; and thus have been generally
14 damaged in excess of the jurisdictional minimum of this Court.

15 WHEREFORE plaintiffs and each of them individually pray for judgment
16 against defendant United States of America as follows:

- 17 1. General damages in an amount in excess of the jurisdictional minimum
18 of the Court;
- 19 2. Funeral, burial, and memorial expenses, according to proof at the time
20 of trial;
- 21 3. Loss of earnings, earning capacity, services, contributions, benefits, and
22 support, according to proof;
- 23 4. Interest as allowed by law;
- 24 5. Cost of suit incurred herein; and
- 25 6. Such other and further relief as the Court may deem just and proper.

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SECOND CAUSE OF ACTION

(For Negligence, Willful And Conscious Disregard of the Safety of Others)

Come now Plaintiffs, STEVEN SHAFRAN, individually, and as Successor In Interest to Janet Shafran, deceased; ANNE M. SHAFRAN, a minor, individually and as Successor In Interest to Janet Shafran, deceased, by and through her Guardian Ad Litem, JAY SHAFRAN; MARGARET C. SHAFRAN, a minor, individually and as Successor In Interest to Janet Shafran, deceased, by and through her Guardian Ad Litem, JAY SHAFRAN; REID J. SHAFRAN, a minor, individually and as Successor In Interest to Janet Shafran, deceased, by and through his Guardian Ad Litem, JAY SHAFRAN; ISABELLE B. SHAFRAN, a minor, individually and as Successor In Interest to Janet Shafran, deceased, by and through her Guardian Ad Litem, JAY SHAFRAN, and for a cause of action based on negligence, willful and conscious disregard of the safety of others, against Defendants CESSNA AIRCRAFT COMPANY and DOES 1 through 20, and each of them, complain and allege as follows:

16. This action is brought by virtue and under the provisions of 28 USC section 1332(a) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

17. The true names and capacities of the Defendants, DOES 1 through 20, inclusive, whether individual, corporate, associate, or otherwise, are not known to Plaintiffs, who therefore sue said Defendants by such fictitious names, and Plaintiffs will ask leave of court to amend this Complaint to show their true names and capacities when the same have been ascertained. Plaintiffs are informed and believe and thereon allege that each of the Defendants designated herein as a DOE is legally responsible in some manner for the events and happenings herein referred to and negligently caused the injuries and damages to Plaintiffs as herein alleged.

18. That at the time of the commencement of this action, Plaintiff ANNE M. SHAFRAN, a minor, MARGARET C. SHAFRAN, a minor, REID J. SHAFRAN, a

1 minor, and ISABELLE B. SHAFRAN, a minor, are the surviving children of
2 Plaintiff STEVEN SHAFRAN and Plaintiffs' decedent, JANET SHAFRAN; and,
3 that on or before the commencement of this action, their grandfather, JAY
4 SHAFRAN, was or has been duly appointed Guardian Ad Litem for said minors.
5 Plaintiffs, and each of them, reside in Washington D.C.

6 19. That Plaintiff STEVEN SHAFRAN is the surviving husband of JANET
7 SHAFRAN, deceased, and together with their children, Plaintiffs ANNE M.
8 SHAFRAN, MARGARET C. SHAFRAN, REID J. SHAFRAN, and ISABELLE B.
9 SHAFRAN, are all successors in interest to JANET SHAFRAN, deceased, pursuant
10 to Code of Civil Procedure sections 377.11 and 377.30, and decedent's sole
11 surviving heirs.

12 20. At all times herein mentioned defendant Cessna Aircraft Company and
13 DOES 1 through 20, were and are a corporation or other business entity existing
14 under and by virtue of the laws of a State other than the State of California, with its
15 principle place of business in Wichita, Kansas; and, said defendants at all times
16 herein mentioned were and are conducting business within the State of California.

17 21. At all times herein mentioned defendants Cessna Aircraft Company, a
18 corporation, and DOES 1 through 20, inclusive, were in the business of designing,
19 manufacturing, testing, inspecting, maintaining, repairing, selling, providing
20 instruction warnings for Cessna Citation airplanes, engines, thrust reversers, or other
21 components, assemblies, or systems of Cessna Citation airplanes.

22 22. That at all times herein mentioned defendant Cessna Aircraft Company,
23 a corporation, and DOES 1 through 20, inclusive, designed, manufactured, tested,
24 inspected, maintained, repaired, sold, and provided instructions, parts, or warnings
25 for a certain Cessna Citation airplane, Model 560, bearing Federal Aviation
26 Administration (FAA) registration N86CE, to include its engines, thrust reversers
27 and other components, assemblies, or systems of said aircraft.

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1 23. That at all times herein mentioned, defendants, and each of them, were
2 acting as the agent, servant, employee, or joint venturer of the remaining defendants;
3 and, in doing the things herein mentioned, were acting within the course and scope
4 of their authority as such agent, servant, employee, or joint venturer and with the
5 permission and consent of its co-defendants.

6 24. That at all times herein mentioned the negligence of each defendant
7 combined and cooperated with the negligence of the remaining defendants so as to
8 cause the herein described accident, resulting injuries, and damages.

9 25. That at the time of the accident, according to the Preliminary Report of
10 the National Transportation Safety Board (NTSB), "According to numerous
11 witnesses, the aircraft came across the runway threshold at a speed significantly
12 higher than they had observed with other aircraft of the same or similar model. It
13 reportedly touched down more than 1,500 feet down the runway, whereupon the
14 thrust reversers were deployed and then ultimately stowed. The aircraft then lifted
15 off the surface near the departure end of the runway, but its landing gear impacted
16 the localizer platform structure, and its left wing tip collided with a platform access
17 ladder attached to the far left side of the platform. The aircraft then traveled
18 approximately 400 feet past that point, whereupon it settled into the terrain, and then
19 impacted much of the external surface of a 150-ft. long commercial self-storage
20 building. Just after coming to rest at the west end of the storage building, the aircraft
21 burst into flames, and except for the empennage and engines, was almost totally
22 consumed by the ensuing fire."

23 26. That the runway used by Cessna airplane N86CE, at the time of the
24 accident, was Runway 24 at McClellan-Palomar airport. The aircraft impacted the
25 localizer platform and ladder just off the departure end of this same runway.

26 27. That prior to and at the time of this accident, Defendants Cessna
27 Aircraft Company, a corporation, and DOES 1 through 20, inclusive, so negligently,
28 carelessly, and with willful and conscious disregard of the safety of others designed,

1 manufactured, tested, inspected, maintained, repaired, sold, or provided parts,
2 instructions, or warnings for the above-described aircraft, so that on or about the 24
3 day of January 2006, while the aircraft was being operated in or near the city or town
4 of Carlsbad, county of San Diego, State of California with plaintiffs' decedent, Janet
5 Shafran, a passenger therein, did sustain or suffer a loss of control or power and
6 collided with the localizer platform ladder causing it to crash and proximately
7 causing the damages, injury, and death to plaintiffs' decedent, Janet Shafran.

8 28. That as a direct and proximate result of the conduct of the defendants,
9 and each of them, in the above premises, plaintiffs have been forced to incur
10 expenses for the funeral, burial, and memorial of plaintiffs' decedent, Janet Shafran,
11 in an amount which is not presently known; and which amount the plaintiffs pray
12 leave of Court to assert herein by amending this complaint with more fully
13 ascertained or upon proof at the time of trial.

14 29. That as a further direct and proximate result of the conduct of the
15 defendants, and each of them in the above premises, plaintiffs and each of them have
16 suffered and shall continue to suffer the loss of earnings, earning capacity, support,
17 counseling, care, comfort, society, services, benefits, and protections of Janet
18 Shafran, now deceased; and, have thus been generally damaged in a sum in excess of
19 the jurisdictional minimums of this Court.

20 30. That passenger Janet Shafran, now deceased, did prior to her death
21 suffer severe pre- and post-impact injuries, damage to property, pain and suffering
22 and emotional distress and ultimately die due to burns and inhalation of products of
23 combustion from the post-impact fire. Her death was not instantaneous. Plaintiffs'
24 claims survive Janet Shafran, now deceased; and as a proximate result of defendants'
25 conduct in the above premises, plaintiffs are entitled to exemplary damages.

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THIRD CAUSE OF ACTION

(Strict Liability in Tort)

31. Plaintiffs and each of them repeat, reallege, or reiterate each and every allegation set forth in paragraphs 16 through 26 and paragraphs 28 through 30, inclusive, of the Second Cause of Action on file herein with the same force and effect as though set out at this point verbatim.

32. That at all times herein mentioned defendants Cessna Aircraft Company, a corporation, and DOES 1 through 20, inclusive, were and are in the business of placing Cessna Citation airplanes, engines, thrust reversers, or other components, assemblies, or systems of Cessna airplanes into the stream of commerce.

33. That at all times mentioned herein defendant Cessna Aircraft Company, a corporation, and DOES 1 through 20, inclusive, placed into the stream of commerce a certain Cessna Citation airplane, Model 560 bearing FAA registration N86CE, its engines, thrust reversers, or other components, assemblies, or systems of said airplane, which were defective in their design, manufacturer, instructions, and warnings.

34. That defendant Cessna Aircraft Company, a corporation, and DOES 1 through 20, inclusive, knew and were aware at all times herein mentioned that the above-described aircraft, its engines, thrust reversers and other components, assemblies, or systems would be used without inspection for the defects complained of herein by passengers of said airplane.

35. That at all times herein mentioned, Defendant Cessna Aircraft Company, a corporation, and DOES 1 through 20, inclusive, intended that said aircraft, its engines, thrust reversers, or other components, assemblies, or systems reach the ultimate consumer and passengers such as decedent, Janet Shafran as designed, manufactured and sold at the time said aircraft left the factory.

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36. That at all times herein mentioned, said aircraft, to include its engines, thrust reversers and other components, assemblies, or systems were being used in a manner reasonably intended and foreseeable to said defendants.

37. That at all times herein mentioned, plaintiffs' decedent, Janet Shafran, was unaware of the defects complained of herein.

38. That prior to and at the time of the event more particularly described herein defendants Cessna Aircraft Company, a corporation, and DOES 1 through 20, inclusive, so designed, manufactured, sold and provided after-sale service, instructions, and warnings for the above-described aircraft, to include its engines, thrust reversers and other components, assemblies, or systems of said aircraft, so that on or about the 24 day of January 2006, while said airplane was in operation near the city or town of Carlsbad, county of San Diego, state of California, the aircraft sustained a loss of power or control while plaintiffs' decedent Janet Shafran was an occupant therein, causing it to crash and thereby proximately causing the death, injuries, and damages hereinafter set forth.

WHEREFORE, plaintiffs and each of them pray judgment against defendants Cessna Aircraft Company and DOES 1 through 20, and each of them, as follows:

1. General damages in a sum in excess of the jurisdictional minimum of the Court.
2. Funeral and burial expenses, according to proof;
3. Loss of earnings, earning capacity, and support;
4. Loss of services;
5. Pre-judgment interest as allowed by law;

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6. Costs of suit incurred herein; and
7. Such other further relief as the Court may deem just and proper.

Dated: 21 January 2008

MAGAÑA, CATHCART & McCARTHY

By: 

WILLIAM H. WIMSATT

Attorneys for Plaintiffs, Steven Shafran; Anne M. Shafran, a minor, by and through her Guardian Ad Litem, Jay Shafran; Margaret C. Shafran, a minor, by and through her Guardian Ad Litem, Jay Shafran; Reid J. Shafran, a minor, by and through his Guardian Ad Litem, Jay Shafran; Isabelle B. Shafran, a minor, by and through her Guardian Ad Litem, Jay Shafran

DEMAND FOR JURY TRIAL

Plaintiffs herein respectfully demand trial by Jury as to defendants Cessna Aircraft Company and DOES 1 through 20, inclusive.

Dated: 21 January 2008

MAGAÑA, CATHCART & McCARTHY

By: 

WILLIAM H. WIMSATT

Attorneys for Plaintiffs, Steven Shafran; Anne M. Shafran, a minor, by and through her Guardian Ad Litem, Jay Shafran; Margaret C. Shafran, a minor, by and through her Guardian Ad Litem, Jay Shafran; Reid J. Shafran, a minor, by and through his Guardian Ad Litem, Jay Shafran; Isabelle B. Shafran, a minor, by and through her Guardian Ad Litem, Jay Shafran

JS 44
(Rev. 07/89)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

STEVEN SHAFRAN; ANNE M. SHAFRAN, a minor, by and through her Guardian Ad Litem, JAY SHAFRAN; MARGARET C. SHAFRAN, a minor, by and through her Guardian Ad Litem, JAY SHAFRAN; REID J. SHAFRAN, a minor, by and through his Guardian Ad Litem, JAY SHAFRAN; ISABELLE B. SHAFRAN, a minor, by and through her Guardian Ad Litem, JAY SHAFRAN

DEFENDANTS

UNITED STATES OF AMERICA, LCESSNA AIRCRAFT COMPANY, a corporation; and DOES 1 through 20, inclu

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

William H. Wimsatt / Peter T. Cathcart
MAGANA, CATHCART & MCCARTHY
1801 Avenue of the Stars, Suite 600
Los Angeles, California 90067-5801
(310) 553-6630

ATTORNEYS (IF KNOWN)

'08 CV 0116 IEG NLS**II. BASIS OF JURISDICTION** (PLACE AN 'X' IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant
☒ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|--------------------------|--------------------------|---|--------------------------|--------------------------|
| PT | DEF | | PT | DEF |
| <input type="checkbox"/> | <input type="checkbox"/> | 1 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | 2 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | 3 | <input type="checkbox"/> | <input type="checkbox"/> |
- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
- Incorporated or Principal Place of Business in This State
Incorporated and Principal Place of Business in Another State
Foreign Nation

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Federal Tort Claims Act, 28 USC section 1346 (b)(1) alleging negligence or wrongful act or omission of an employee of the United States government while acting within the scope of his or her office or employment under circumstances where the United States, (continued on Attachment IV)

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input checked="" type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 780 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions		

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removal from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE

Docket Number

DATE

SIGNATURE OF ATTORNEY OF RECORD

21 January 2008

William H Wimsatt

PD110 1350 - 1/22/08 61121PT # 146692
 ::ODMANPCDOCS\WORDPERFECT\228161 January 24, 2000 (3:10pm)

CS

ATTACHMENT IV. TO CIVIL COVER SHEET

Shafran, et al. vs. United States of America, et al.

CAUSE OF ACTION (continued)

if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

As to defendants Cessna Aircraft Company, and DOES 1 through 20 , this action is brought by virtue and under the provisions of 28 *USC* section 1332 (a) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

146692 - BH

**January 22, 2008
14:30:16**

Civ Fil Non-Pris

USAO #: 08CV0116 CIVIL FILING

Judge... IRMA E GONZALEZ

Amount.: \$350.00 CK

Check#.: BC# 2287

Total-> \$350.00

FROM: SHAFRAN ET AL V. U.S.A
CIVIL FILING